

# ARKANSAS SUPREME COURT

No. CR 03-1173

NOT DESIGNATED FOR PUBLICATION

CARL LOWE  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered March 9, 2006

*PRO SE* MOTION FOR PHOTOCOPY OF  
TRANSCRIPT AT PUBLIC EXPENSE [CIRCUIT  
COURT OF DESHA COUNTY, CR 2003-11-4A,  
HON. DON GLOVER JUDGE]

MOTION DENIED

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## PER CURIAM

Carl Lowe was found guilty of aggravated robbery, theft of property, kidnapping, and felon in possession of a firearm. He was sentenced as a habitual offender to an aggregate term of life imprisonment plus 110 years' imprisonment. This court affirmed. *Lowe v. State*, 357 Ark. 501, \_\_\_ S.W.3d \_\_\_ (2004). Lowe, who contends that he is indigent, now seeks at public expense a copy of a trial transcript for case number CR 2003-12.<sup>1</sup>

As grounds for the request, petitioner Lowe asserts that the transcript is needed for "a proper defense and a fair trial." He does not contend that there is a particular postconviction remedy available to him at this time. The case number he references would appear to be for a separate conviction on a charge of kidnapping in Desha County that occurred on the same day as the convictions appealed to this court. The conviction on CR 2003-12 was not appealed.

Because the conviction was not appealed, no record was lodged in this court. The transcript petitioner requests is not available to us in order to provide a copy to him. Because we do not have the transcript, and because there is no ground to grant the request, we must deny the motion.

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<sup>1</sup>For clerical purposes, the motion has been filed under the docket number assigned to the direct appeal of the judgment which was lodged in this court. This court decides motions for transcripts because such motions are considered to be requests for postconviction relief. See *Williams v. State*, 273 Ark. 315, 619 S.W.2d 628 (1981) (*per curiam*).

Motion denied.